

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, TYLER MAGILL, APRIL
MUNIZ, HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES
ALEX FIELDS, JR., VANGUARD
AMERICA, ANDREW ANGLIN,
MOONBASE HOLDINGS, LLC, ROBERT
“AZZMADOR” RAY, NATHAN DAMIGO,
ELLIOT KLINE a/k/a/ ELI MOSLEY,
IDENTITY EVROPA, MATTHEW
HEIMBACH, MATTHEW PARROTT a/k/a
DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS,
LEAGUE OF THE SOUTH, JEFF SCHOEP,
NATIONAL SOCIALIST MOVEMENT,
NATIONALIST FRONT, AUGUSTUS SOL
INVICTUS, FRATERNAL ORDER OF THE
ALT-KNIGHTS, MICHAEL “ENOCH”
PEINOVICH, LOYAL WHITE KNIGHTS OF
THE KU KLUX KLAN, and EAST COAST
KNIGHTS OF THE KU KLUX KLAN a/k/a
EAST COAST KNIGHTS OF THE TRUE
INVISIBLE EMPIRE,

Civil Action No. 3:17-cv-00072-NKM

Defendants.

**SUPPLEMENT TO PLAINTIFFS’ MOTION TO ENJOIN DEFENDANT CANTWELL
FROM MAKING UNLAWFUL THREATS AGAINST PLAINTIFFS AND PLAINTIFFS’
COUNSEL**

Plaintiffs write to supplement our pending Motion to Enjoin Defendant Cantwell from Making Unlawful Threats Against Plaintiffs and Plaintiffs' Counsel ("Plaintiffs' Motion") with new evidence of additional threatening language by Mr. Cantwell, directly responsive to Plaintiffs' Motion, and once again specifically targeting lead Plaintiffs' counsel, Roberta Kaplan. Yesterday, on his website, christophercantwell.com, Mr. Cantwell wrote the following:

One of the Jews who is suing me over Charlottesville is Roberta Kaplan. She's also one the kikes who crammed gay marriage through the Supreme Court. She falsely claimed in court that I threatened her and tried to get the court to silence me. Instead the court enjoined me from 'making unlawful threats' which is to say, this stupid Jewess cunt got a court to tell me to obey they [sic] law. Congrats, asshole.

Ex. 1 at 2 (Post from Christopher Cantwell's public website, christophercantwell.com (Jul. 14, 2019)).

Had Mr. Cantwell's language remained merely obscene, Plaintiffs would not have burdened the Court further with this issue. However, Mr. Cantwell then once again crossed into the realm of more explicitly violent advocacy:

All of this to stop me? These Jews must think I'm really fucking important.

Well, I won't be stopped. The Jews are terrified of me, because if people hear what I have to say without their cherry picking dishonest nonsense, ***then there won't be a safe place on this Earth for so much as a mischling.***¹ They are terrified of the truth, and of men with the courage to speak it in the face of adversity.

If I have to show up at people's doors to say what I have to say, then to quote Walter White 'I am the one who knocks!'²

¹ "Mischling" was the legal term used in Nazi Germany to denote persons deemed to have both "Aryan" and Jewish ancestry. See Holocaust Encyclopedia, "Nuremberg Race Laws", available at <https://encyclopedia.ushmm.org/content/en/article/nuremberg-laws> (last visited July 7, 2019). Mr. Cantwell appears to be suggesting that if his anti-Semitic views are allowed space to prevail, those with any amount of Jewish blood will be exterminated.

² This is a reference to the particularly violent lead character, Walter White, from the popular television series, "Breaking Bad." In its entirety, the character stated: "You clearly don't know who you're talking to, so let me clue you in. I am not in danger, Skyler. *I am the danger.* A guy opens his door and gets shot, and you think that of me? No! *I am the one who knocks.*" See "Breaking Bad – Walt: "I am the one who knocks," available at <https://www.youtube.com/watch?v=wMEq1mGpP5A> (last visited July 7, 2019).

Id. at 3 (emphasis added).

In addition to the language itself, the forum in which Mr. Cantwell chooses to voice his violent appeals makes it even more alarming. Rather than articulate his purported First Amendment defense in the proper manner and forum – by filing a response to Plaintiffs’ motion – Mr. Cantwell speaks instead to the multitude of nameless, faceless, white supremacists and neo-Nazi’s that undoubtedly visit his anti-Semitic website. He thus betrays his true intentions as no more than an effort to incite his supporters to engage in the same forms of threats and violence that he promises from himself, rather than raise a legitimate legal argument or speak publicly within the proper limits of non-violent speech. Whether Mr. Cantwell personally intends to make good on his commitment to “show up at people’s doors,” the equally disturbing prospect is that some disaffected, faithful follower will understand Mr. Cantwell’s rhetoric as a call-to-action. As Oren Segal, Director of the Anti-Defamation League’s Center on Extremism, stated, these sorts of messages can “contribute to a white supremacist online echo chamber that enables and encourages violence from individuals, even those who are not necessarily directly connected to Mr. Cantwell through any official organization.” Aff. of Oren Segal, Ex. 5 to Pls.’ Mot., Dkt. 511-6, ¶ 18.

Mr. Cantwell plainly continues to use threatening language toward Ms. Kaplan with impunity. We respectfully request that Your Honor consider this latest message, as well as the fact that his behavior persists even after it was formally brought to Your Honor’s attention, in conjunction with the threats detailed in the initial filing on this matter.

Dated: July 15, 2019

Respectfully submitted,

/s/ Robert T. Cahill

Robert T. Cahill (VSB 38562)
COOLEY LLP
11951 Freedom Drive, 14th Floor
Reston, VA 20190-5656
Telephone: (703) 456-8000
Fax: (703) 456-8100
rcahill@cooley.com

Of Counsel:

Roberta A. Kaplan (*pro hac vice*)
Julie E. Fink (*pro hac vice*)
Gabrielle E. Tenzer (*pro hac vice*)
Joshua A. Matz (*pro hac vice*)
Christopher B. Greene (*pro hac vice*)
KAPLAN HECKER & FINK LLP
350 Fifth Avenue, Suite 7110
New York, NY 10118
Telephone: (212) 763-0883
rkaplan@kaplanhecker.com
jfink@kaplanhecker.com
gtenzer@kaplanhecker.com
jmatz@kaplanhecker.com
cgreene@kaplanhecker.com

Karen L. Dunn (*pro hac vice*)
William A. Isaacson (*pro hac vice*)
Jessica Phillips (*pro hac vice*)
BOIES SCHILLER FLEXNER LLP
1401 New York Ave, NW
Washington, DC 20005
Telephone: (202) 237-2727
Fax: (202) 237-6131
kdunn@bsflp.com
wisaacson@bsflp.com
jphillips@bsflp.com

Yotam Barkai (*pro hac vice*)
BOIES SCHILLER FLEXNER LLP
575 Lexington Ave.
New York, NY 10022
Telephone: (212) 446-2300
Fax: (212) 446-2350
ybarkai@bsflp.com

Alan Levine (*pro hac vice*)
Philip Bowman (*pro hac vice*)
COOLEY LLP
1114 Avenue of the Americas, 46th Floor
New York, NY 10036
Telephone: (212) 479-6260
Fax: (212) 479-6275
alevine@cooley.com
pbowman@cooley.com

David E. Mills (*pro hac vice*)
COOLEY LLP
1299 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004
Telephone: (202) 842-7800
Fax: (202) 842-7899
dmills@cooley.com

J. Benjamin Rottenborn (VSB 84796)
WOODS ROGERS PLC
10 South Jefferson St., Suite 1400
Roanoke, VA 24011
Telephone: (540) 983-7600
Fax: (540) 983-7711
bottenborn@woodsrogers.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2019, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

Justin Saunders Gravatt
David L. Hauck
David L. Campbell
Duane, Hauck, Davis & Gravatt, P.C.
100 West Franklin Street, Suite 100
Richmond, VA 23220
jgravatt@dhgglaw.com
dhauck@dhgglaw.com
dcampbell@dhgglaw.com

Lisa M. Lorish
Federal Public Defenders Office
Western District of Virginia - Charlottesville
401 E Market Street, Suite 106
Charlottesville, VA 22902
lisa_lorish@fd.org

Fifth Amendment Counsel for Defendant James A. Fields, Jr.

Counsel for Defendant James A. Fields, Jr.

Elmer Woodard
5661 US Hwy 29
Blairs, VA 24527
isuecrooks@comcast.net

Bryan Jones
106 W. South St., Suite 211
Charlottesville, VA 22902
bryan@bjoneslegal.com

James E. Kolenich
Kolenich Law Office
9435 Waterstone Blvd. #140
Cincinnati, OH 45249
jek318@gmail.com

*Counsel for Defendants Michael Hill,
Michael Tubbs, and League of the South*

*Counsel for Defendants Matthew Parrott, Robert Ray,
Traditionalist Worker Party, Jason Kessler, Nathan
Damigo, Identity Europa, Inc. (Identity Europa), and
Christopher Cantwell*

John A. DiNucci
Law Office of John A. DiNucci
8180 Greensboro Drive, Suite 1150
McLean, VA 22102
dinuccilaw@outlook.com

William Edward ReBrook, IV
The ReBrook Law Office
6013 Clerkenwell Court
Burke, VA 22015
edward@rebrooklaw.com

Counsel for Defendant Richard Spencer

*Counsel for Defendants Jeff Schoep, National Socialist
Movement, and Nationalist Front*

I further hereby certify that on July 15, 2019, I also served the following non-ECF participants, via U.S. mail, First Class and postage prepaid, addressed as follows:

Loyal White Knights of the Ku Klux Klan
a/k/a : Loyal White Knights Church of
the Invisible Empire, Inc.
c/o Chris and Amanda Barker 2634 U.S.
HWY 158 E
Yanceyville, NC 27379

Andrew Anglin
P.O. Box 208
Worthington, OH 43085

Andrew Anglin
P.O. Box 208
Worthington, OH 43085

East Coast Knights of the Ku Klux Klan
a/k/a East Coast Knights of the
True Invisible Empire
26 South Pine St.
Red Lion, PA 17356

Moonbase Holdings, LLC
c/o Andrew Anglin
P.O. Box 208
Worthington, OH 43085

Fraternal Order of the Alt-Knights
c/o Kyle Chapman
52 Lycett Circle
Daly City, CA 94015

I further hereby certify that on July 15, 2019, I also served the following non-ECF participants, via electronic mail, as follows:

Elliott Kline
eli.f.mosley@gmail.com

Vanguard America
c/o Dillon Hopper
dillon_hopper@protonmail.com

Matthew Heimbach
matthew.w.heimbach@gmail.com

s/ Robert T. Cahill

Robert T. Cahill (VSB 38562)
COOLEY LLP
11951 Freedom Drive, 14th Floor
Reston, VA 20190-5656
Telephone: (703) 456-8000
Fax: (703) 456-8100
Email: rcahill@cooley.com

Counsel for Plaintiffs